REMARKS

Claims 1-58 are pending, with claims 1, 19, 37, and 55 being independent. Applicant

requests reconsideration of these claims in view of the foregoing remarks.

Rejection under 35 U.S.C. §112, 2nd Paragraph

The Office Action rejected claims 1-58 under 35 U.S.C. §112, 2nd paragraph as being

indefinite for use of the term "more likely." As recognized by the Office in the subsequent

construction of this limitation when considering the prior art, Applicant respectfully submits the

meaning of this term is clear. The standard for being indefinite is whether the scope of the claim

is ascertainable. Applicant respectfully notes that the breadth of the claim is not to be equated

with indefiniteness. See In re Miller, 169 U.S.P.Q. 597, 441 F.2d 689 (C.C.P.A. 1971). See also

MPEP 2173.04. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 1, 2, 5-11, 18-20, 23-29, 36-38, 41-47, 54 and 55 stand rejected under 35 U.S.C.

§102(e) as being anticipated by Roth (U.S. Publication No. 2006-00285987). Applicant submits

that Roth fails to describe or suggest the features of the independent claims.

For convenience, independent claim 1 has been reproduced below.

> 1. (Previously Presented) A method for online re-targeted advertisement selection, comprising:
> receiving a description of online activities for a collection of online identities for users accessing one or
> more affiliate web sites;
> identifying a desired behavior, the desired behavior describing a user interaction that indicates that an
> online identity demonstrating the desired behavior is more likely to be responsive to a re-targeted advertisement;
> analyzing the description of online activities to determine whether a particular online identity appearing in
> the description of online activities demonstrates the desired behavior;
> generating a watch list of users to receive re-targeted advertisements based on analyzing the description of
> online activities;
> monitoring, in real-time and from the one or more affiliate web sites, information related to user interaction
> with the one or more affiliate web sites;
> receiving, from within the monitored information, a request to display advertising content to a user;
> determining that the user appears in the watch list of users to receive re-targeted advertisements; and
> selecting, in response to the request, advertising content for display based upon determining that the user
> appears in the watch list of users to receive re-targeted advertisements.

Applicant respectfully submit that Roth fails to describe or suggest, "generating a watch

list of users to receive re-targeted advertisements ... and selecting, in response to the request,

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advertising content for display <u>based upon determining that the user appears in the watch list of users to receive re-targeted advertisements,</u>" as required by independent claim 1.[1]

In the main body of the Final Office Action and in the "Response to Arguments" appearing on page 5, the Final Office Action argues that this limitation is anticipated by Roth's discussion of the VOD (ViewOpDrive) appearing in Col. 9, ll. 40-41, and Col. 10, l. 31-Col. 11, l. 20. The Final Office Action argues that the "VOD is a watch list, albeit one with only one item, but a watch list nonetheless, because it serves exactly the same purpose as a longer watch list, but without the disadvantage of delay." Applicant submits that the VOD does not represent a watch list, and consequently, that Roth cannot be relied upon to anticipate this limitation.

In attempting to establish that the Roth's VOD anticipates this limitation, the Final Office Action first relies upon a portion of Roth's specification appearing in Col. 9, ll. 40-41. This is reproduced below:

> **AAD table 412: This table identifies every active advertiser. There is a record in this table for every active advertiser.**
> **VOD area of memory 415: This area temporarily holds data 40 which is being transferred to the bidding agents. [Col. 9, ll. 40-41].**

It is unclear how the Office is relying upon this section to anticipate a limitation that recites, "generating a watch list of users to receive re-targeted advertisements … and selecting, in response to the request, advertising content for display based upon determining that the user appears in the watch list of users to receive re-targeted advertisements," as required by independent claim 1. First, Roth does not describe the data 40 nor does Roth give any indication that data 40 represents a watch list in any way shape or form. To the contrary, this cited portion reveals that whatever appears in "data 40" is routed to the bidding agents for the deliberative bidding process between the bidding agents that were described earlier. Thus, it is unclear how the assertions in the Office Action indicating that the data 40 "serves exactly the same purpose as a longer watch list, but without the disadvantage of delay" can be relied upon.

The Final Office Action then turns to Col. 10, l. 31-Col. 11, l. 20 to further address this limitation.

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[1] As previously noted, Roth describes an advertising server that coordinates advertisers' bids in real time to determine which advertisement to display. (Roth, col. 2, lines 7-19.) When a view opportunity presents itself (i.e., when a user accesses a webpage that references the advertising server), the server supplies characteristics of the view opportunity to bidding agents. (Roth, col. 4, lines 26-43).

5) AA An identification of the bidding agent
VOD memory area 415: This is a data communication structure in memory that facilitates passing data between objects. When a view-op is received, data is placed in the VOD area and then transmitted to the bidding agents. As an example, the following data can be placed in the VOD for transmission to the bidding agents.

1) Current Viewer Data CO Cookie—gives information about the viewer that initiated the view-op. **EA Email Addr.** of viewer that initiated the view-op. **C** I/Code of viewer that initiated the view-op. **TS TimeStamp** Last Seen Time Stamp IP Internet Protocol information Full Domain Name (e.g. "sales.gm.uk") Parsed Domain Name (e.g. Top="uk", 2"rf"="gm", 3"*= "sales") **I/CODE** plus associated data Zipcode* BT Browser type (e.g. "Mozilla/Unix 4.0") VO View Op ID **CT Content Type**, Identifies a particular type of ad that site will accept.

2) Data About Advertisers   Original and Current budget   Original and Current Views budget Original and Current Click thru budget   Time-Start/End advertiser ID

3) Site Data
Keywords which appear on site
Site Page Ad Minimum Price
Accepts content List (what will site accept e.g. Java, gif; sizes) Site Owner Name Site URL 10 Site Title Site Intra Page Title

4) Historic and other data from data base 16B: This is the VODX area 415A: This is a subset of the VOD structure and it is a subset of data that is in the CUD, 5 MD, HUD and SOD. The data in the VODX is transmitted to the bidding agents on each view-op. The data placed in the VODX can for example be::
a) **CUD Record Portions:** Portions of CUD that exist such as domain, browser, I/code relative to a viewer associated with a view-op.
b) **100 SOD records where SOD.WS.SP=VOD.WS.SP** That is, where site page and web site in SOD equal site page and web site in the VOD.
c) **100 SOD records where Customer ID (i.e. I/Code) in SOD equals Customer ID in VOD** That is, sold view-op records for this Viewer.
d) **100 HUD records:** most recent records for this CU, WS and SP. 20. [Col. 10, l. 31-Col. 11, l. 20].

It is difficult to understand the undefined abbreviations, but it appears that the Final Office Action is relying upon this section to indicate that a viewing opportunity, irrespective of its parameters, is individually considered by viewing agents and that the viewing opportunity may include a description of the user. With this understanding, it is unclear how this portion of Roth is used to anticipate a limitation that recites "a watch list of users to receive re-targeted advertisements." Instead, Roth requires that every viewing opportunity for an advertisement be individually considered. And, since Roth fails to describe or suggest, "a watch list of users to receive re-targeted advertisements," Roth cannot be relived upon to describe or suggest "selecting, in response to the request, advertising content for display based upon determining that the user appears in the watch list of users to receive re-targeted advertisements." Accordingly, allowance of claim 1 and its dependent claims is respectfully requested.

Amended independent claims 19, 37, and 55 recite similar limitations and are believed to be allowable for similar reasons. For instance, claim 19 recites that the advertisement server is

configured to "generate a watch list of users to receive re-targeted advertisements ... and select, in response to the request, advertising content for display based upon determining that the user appears in the watch list of users to receive re-targeted advertisements." Accordingly, allowance of these amended independent claims and their dependent claims is respectfully requested.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The $810 Request for Continued Examination fee and the $272 excess claims fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed due. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

            4/23/2010   /Thomas A. Rozylowicz/
Date:_____   _____
                                  Thomas A. Rozylowicz
                                  Reg. No. 50,620

Customer Number 26192
Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (877) 769-7945

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